

William J. Davis, Esq., #141844
Kathryn Julia Woods, Esq., #228650
Davis & Company, Attorneys
Aon Center, 36th Floor
707 Wilshire Boulevard, Suite 3600
Los Angeles, California 90017-3516
Telephone (213) 253-5939
Facsimile (213) 253-9939

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.H.D.C., etc., et al.,

Plaintiffs,

vs.

CITY OF FRESNO, CALIFORNIA, etc., et
al.,

Defendants.

) Case No.: CIV F-97-5498 OWW

)

) **STIPULATION TO EXTEND THE TIME**
) **FOR THE PARTIES TO FILE THEIR**
) **RESPECTIVE RESPONSES AND**
) **REPLIES TO, AND TO CONTINUE TO**
) **HEARING DATE FOR, TOLBERT ET**
) **AL.'S MOTION FOR ATTORNEY'S**
) **FEES, RELATED SUBPOENAS, AND**
) **MOTION TO LIFT THE STAY; AND**
) **[PROPOSED] ORDER**

Current Hearing Date: April 26, 2006

Time: 8:30 a.m.

Place: Courtroom 2, 2500 Tulare, Fresno, CA

Plaintiffs A.H.D.C. and Ashwood Construction ("AHDC") and defendants Robert "Todd" Tolbert, Stephen V. Henson, Sharon L. Henson, Hernand J. Koubratoff; Laura A. Mather; Vernon R. Wolley, Orie Reed; Barnell Caldwell; Diane R. Daniels; Richard Robinson; and Janet Reid-Bills ("Tolbert, et al."), by and through their respective counsel, stipulate as follows:

1. On March 22, 2006, Tolbert, et al. filed their "Motion for Attorneys' Fees Pursuant to the Ninth Circuits' Judgment Dated March 8, 2006," noticed to be heard on April 26, 2006, at

1 8:30 a.m. in Courtroom 2 of this Court, and subsequently served subpoenas on A.H.D.C. and
2 Ashwood Construction, demanding that certain documents be produced at that hearing.

3 2. On March 24, 2006, Tolbert, et al., filed their "Motion to Lift Stay of Citizen
4 Defendants' State Court Action," also noticed to be heard on April 26, 2006, at 8:30 a.m. in
5 Courtroom 2 of this Court.

6 3. AHDC's response to these motions must be filed by April 7, 2006. AHDC anticipated
7 filing responses to the subpoenas concurrently with their responses to the motions.

8 4. AHDC has requested, and Tolbert et al. have agreed, that AHDC have additional time
9 to respond to these motions, and that the time for Tolbert et al.'s reply and the hearing date be
10 extended concomitantly. AHDC's request for extension is based on the following:

11 5. At this time, counsel is engaged in preparing responses to the three motions filed by
12 Tolbert et al. in the U.S. Court of Appeals for the Ninth Circuit.¹ Counsel for AHDC has other
13 deadlines it must meet in the same time frame.²

15 ¹ (i) "Motion for Attorneys' Fees Pursuant to the Ninth Circuit Court of Appeals' Decision
16 Dated February 28, 2006," filed March 14, 2006 – AHDC's response is due April 17, 2006.

17 (ii) "Motion to Amend the Mandate to Instruct the District Court to Award Interest to Citizen
18 Defendants," filed March 22, 2006 – AHDC's response is due April 6, 2006.

19 (iii) "Rule 39-1.8 Motion to Transfer Attorneys' Fee Application to District Court," also filed
20 March 22, 2006 – AHDC's response is due April 6, 2006.

21 ² Pursuant to a Court-ordered briefing schedule, counsel is engaged in preparing a
22 Reply/Answering Brief to the Court of Appeal of the State of California, Fourth Appellate
23 District (BCP/Fox Hollow LLC et al., v. Alpha III, Inc., et al., Case No. D045138), in a case
24 which involves complicated Fair Housing Act issues. The briefing schedule may not be changed
as it has already been extended. Pursuant to California Rule of Court 17, the Reply/Answering
Brief must be filed by April 13, 2006.

Additionally, according to another court-ordered schedule, counsel is completing expert
discovery in another case (Sunset Drive Corporation v. City of Redlands, California, CV02-9109
TJH (RCx)), which also involves complicated Fair Housing Act and land use issues, and counsel
deposed one of defendant's experts in March 31, and must depose a second expert on April 18,
2006 and defend two of plaintiff's experts at deposition on April 13 and 21, respectively.
Counsel is also currently engaged in preparing for April and May jury trials in both California
Superior Court and U.S. District Court (The People of the State of California v. Moore, Case No.
INM 159522, and Moore v City of Desert Hot Springs, Case No. EDCV98-137 MMM).

1 6. These previously set deadlines and obligations occupy all available time for lead
2 counsel William J. Davis to prepare the relevant opposition papers and particularly given the
3 complex and unusual issues in all of the matters in which William J. Davis and Davis &
4 Company are engaged counsel.

5 THEREFORE, the parties jointly request and stipulate to the following briefing and
6 hearing schedule for Tolbert et al.'s "Motion for Attorneys' Fees Pursuant to the Ninth Circuits'
7 Judgment Dated March 8, 2006" and "Motion to Lift Stay of Citizen Defendants' State Court
8 Action":

9 1. AHDC shall file their responses to the motions and subpoenas on or before
10 April 24, 2006;

11 2. Tolbert et al. shall file their replies on or before May 30, 2006;

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

3. Oral argument shall be held by the Court on or after June 7, 2006, as ordered by the Court.

IT IS SO STIPULATED.

DATED: April 5, 2006

DAVIS & COMPANY
WILLIAM J. DAVIS
KATHRYN JULIA WOODS

By /s/ William J. Davis
William J. Davis
Attorneys for Plaintiffs

DATED: April 5, 2006

SAGASER, FRANSON & HAHESEY

By /s/ Howard A. Sagaser
Howard A. Sagaser
Attorneys for Defendants Robert "Todd" Tolbert,
Stephen V. Henson, Sharon L. Henson, Hernand J.
Koubratoff; Laura A. Mather; Vernon R. Wolley,
Orie Reed; Barnell Caldwell; Diane R. Daniels;
Richard Robinson; and Janet Reid-Bills

ORDER

IT IS SO ORDERED. The Court will hear oral argument on these motions on __June
12_____, 2006, at _10:00_ a.m.

Dated: __April 11, 2006__

/s/ OLIVER W. WANGER
OLIVER W. WANGER
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25